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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,085	05/24/2000	Richard Palmeri	1008-00	4564

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IP DEPARTMENT OF PIPER RUDNICK LLP  
3400 TWO LOGAN SQUARE  
18TH AND ARCH STREETS  
PHILADELPHIA, PA 19103

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,085

Applicant(s)

PALMERI, RICHARD

Examiner

Frantzy Poinvil

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments with respect to claims 30-58 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 30-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrameda et al. considered with Hartt et al. (WO 94/04979) or Hardesty (US Patent No. 6,592,030).

As per claim 30, Barrameda et al disclose a method for multi-directional consumer purchasing, selling and transaction management. The system comprises maintaining at least one user account and at least one vendor account. (See figure 2); initiating a transaction for a transaction amount (column 8, line 56 to column 9, line 16). Steps or means for electronically distributing at least a portion of reallocated from the transaction amount for the user account to the vendor account using at least one electronic system and electronically distributing at least a portion reallocated from the transaction amount from the vendor account to the user a bank account using an electronic system is not explicitly taught by Barrameda et al. Instead,

Barrameda et al disclose the amount that is placed to an investment fund for the user is an amount that occurs when all debits are less than credits. See column 9, line 33 to column 10, line 11 of Barrameda et al. Both Hartt et al and Hardesty disclose a program for distributing fund to an account of a purchaser. The fund being an allocated amount is a portion of the purchase price of an item or a transaction amount. See the abstract of Hartt et al and column 4, lines 58-64 of Hardesty.

Barrameda et al make use of a bank as their trust account. It is well known that banks usually hold trust accounts for their customers. Providing a trust account in the bank being used in the system of Barrameda et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to use a separate account for the holding/transferring of funds which may be used for a specific purpose so as to prevent tampering or intermingled with funds to be used for specific transactions. Both Hartt et al and Hardesty teach such a similar teaching as providing a trust account. See page 3, line 3 to page 4, line 12 of Hartt et al and figure 1 of Hardesty.

It would have been obvious to one of ordinary skill in the art to note that the funds may be allocated in different manners relating either the purchaser, vendor and/or both, such as from the vendor's account, or a portion of the payment made by the purchaser from either the purchaser's payment account or from the purchaser's payment. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the features of providing a portion reallocated from the transaction amount from the user account to the vendor account and then to a trust account for the user in the system of Barrameda et al in order to provide alternate means of funding an investment plan to purchasers thereby providing an attractive

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system that benefits both vendors and purchasers. Thus, modifying Barrameda et al with either Hartt et al or Hardesty would have been obvious to the skilled artisan in order to create an incentive system benefiting both vendors and purchasers.

As per claim 31, applicant is directed to figure 1 of Barrameda et al.

As per claim 32, it would have been obvious to one of ordinary skill in the art to note that the newly created investment vehicles are second accounts of the customers or vendors in which profits or the allocated may be deposited thereto.

As per claim 33, Barrameda et al teach that any types of accounts can be used in their system. See column 6, lines 60 to column 7, line 9.

As per claim 34, note the discussion above in respect to claim 30 regarding the claimed trust account. Means for providing an interaction between the trust account/bank regarding portion of a transaction amount being placed in an investment vehicle is taught on column 19, line 64 to column 10, line 13 and figures 1 and 3 of Barrameda et al. See also, page 4, lines 20-29 of Hartt et al.

As per claim 35, note column 5, lines 54-60 of Barrameda et al.

As per claim 36, Barrameda et al do not explicitly teach means of a kiosk. Kiosks with means of accepting electronic cards are well known in the art. Providing a kiosk in the system of Barrameda et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to facilitate financial transactions to remote users and to users who can independently process electronically financial transactions without help of a sales clerk.

Claims 37 and 40 are system claims directing to computer components for performing the claimed functions recited in independent claim 30 above. These components would have been obvious to the skilled artisan when viewing the teachings of Barrameda et al where it is disclosed various computer systems and subsystems.

As per claims 38 and 39, having a user account manager and a vendor account manager in the system of Barrameda et al would have been obvious to the skilled artisan in order to facilitate the functioning of the overall system (such as accounts updates and transferring of funds to/from accounts) in a well-organized manner. See also the teachings of Hartt et al and Hardesty for these suggestions.

As per claim 41, it would have been obvious to one of ordinary skill in the art to note that the newly created investment vehicles are second accounts of the customers or vendors in which profits or allocated portions may be deposited thereto.

As per claim 42, Barrameda et al teach that any types of accounts can be used in their system. See column 6, lines 60 to column 7, line 9 of Barrameda et al.

As per claim 43, note figure 5 of Barrameda et al. see also, the teachings of Hartt and Hardesty.

As per claim 44, note column 5, lines 54-60 of Barrameda et al.

As per claim 45, Barrameda et al , Hartt et al or Hardesty do not explicitly teach means of a kiosk. Kiosks with means of accepting electronic cards are well known in the art. Providing a kiosk in the system of Barrameda et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to facilitate financial transactions to remote users and to users who can independently process electronically financial transactions without help of a sales clerk.

As per claim 46, when the vendor transfers funds to user account, this fund or portion of this fund may be transferred to the investment's vehicle. Note the teachings above with respect to claim 30 above and columns 8 and 9 and figures 1 and 4 of Barrameda et al.

Claims 47-51 contain features recited in respective claims 3-7 and these claims are rejected under a similar rationale.

As per claim 52, see the rejection regarding claim 1 above.

As per claim 53, note the rejection of claim 9 above.

As per claims 54-58, note the rejection of respective claims 41-45 above.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP  
February 2, 2004

*Frantzy Poinvil*  
Examiner  
AU 3628